

EXHIBIT A

From: [Yung, Eva H.](#)
To: [Maier, Eric J.](#); [Henningson, Sven E. \(Trip\)](#); [Thorne, John](#); [Bird, Daniel G.](#); [Goodnow, Christopher C.](#); [Davis, Tiberius T.](#)
Cc: [Reiser, Craig M.](#); [Bitton, Daniel S.](#); [Justus, Bradley](#); [Boisvert, Caroline P.](#); [Haws, Claire L.](#); [Duffee, Nicholas D.M.](#); [Yung, Eva H.](#); [Plunkett, Denise](#)
Subject: In re: Google Digital Advertising Antitrust Litigation, No. 1:21-md-03010 (PKC) (S.D.N.Y.) - Daily Mail and Gannett Contention Interrogatories
Date: Wednesday, May 29, 2024 8:22:50 PM
Attachments: [AxinnLogo_eb86e062-85ba-4da5-903a-7a60628f62291111.png](#)

Counsel,

We write to request you immediately correct the misrepresentations in the letter you filed with the Court today. ECF No. 809.

First, despite the Court's May 21 guidance that the parties should negotiate on proposed contention interrogatories, neither Daily Mail nor Gannett have met and conferred with Google regarding their twenty collective interrogatories. This is unsurprising, considering that these interrogatories were sent to Google for the first time yesterday afternoon. Daily Mail and Gannett cannot blame Google for their own failure to share their proposed contention interrogatories more than a day before the Local Rule 33.3 deadline.

Second, contrary to what your letter states, we indicated in our correspondence to the Court that we are willing to confer with Daily Mail and Gannett. As we stated: "Because Gannett and Daily Mail did not share these lists of proposed interrogatories until this afternoon, *Google is still evaluating them*, but they appear to be the kind of 'du[el]ling interrogatories' that Your Honor warned the parties against at the May 21 hearing." ECF No. 807 at 3 (emphasis added). Your letter falsely characterizes Google as having said it "will oppose Daily Mail's and Gannett's proposed interrogatories." ECF No. 809. That statement is misleading at best; we are indeed willing to confer with Daily Mail and Gannett on the proposed interrogatories, and never claimed otherwise.

Finally, your letter obfuscates the facts: Daily Mail and Gannett sent Google their respective sets of interrogatories in response to Google's request for their consent to accept service of proposed interrogatories we shared five days prior. For example, your email attaching the draft interrogatories (which differs in certain respects from what you filed today with the Court) states that Daily Mail's and Gannett's willingness to respond to Google's proposed interrogatories turned on Google's willingness to answer Daily Mail's and Gannett's interrogatories. Had Daily Mail and Gannett earlier shared their proposed interrogatories (as Google did) we would have had an opportunity to meet-and-confer as to them (as Daily Mail and Gannett had an opportunity to do as to Google's proposed interrogatories). Be that as it may, we again emphasize that we remain willing to meet-and-confer regarding the proposed interrogatories.

Please confirm that you will immediately correct the statements in your letter, including but not limited to Google's purported unwillingness to meet-and-confer on Daily Mail's and Gannett's eleventh-hour contention interrogatories. If you refuse to do so, let us know tonight so we can promptly correct the record before the Court or take any other necessary action.

We reserve all rights.

Yours,

Eva

Eva H. Yung

Associate



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